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EXAMINER

JOSEPH, JAISON

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 11/02/2009 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues “*Wagner does not disclose or suggest at least the limitation of "determining a signal quality metric for a plurality of signal paths, wherein one or more of said plurality of signal paths is selected based on stored information related to preceding frames, the stored information received via each of the plurality of signal paths," as recited by the Applicant in independent claim 1*”. However the Office respectfully disagrees. Wagner et al clearly teach said limitation. Wagner clearly teach “selecting the payload signal source based at least upon a previous quality metric corresponding to a previous payload signal source comparing unfavorably with a threshold” (see column 18, lines 18 - 21). Wagner further teach “the control and signal processing unit 208 preferably provides control of the antenna switch 202” (see column 4, lines 50 – 51) and “The control and signal processing unit 208 ... and operational data stored in volatile or non-volatile digital storage devices or both as known in the art” (see column 4, lines 63 - 65) Wagner further teach “quality metric, Q(T), of the test antenna is updated and stored at step 504” (see column 7, lines 39 – 40). Therefore Wagner clearly teach the limitations of “one or more of said plurality of signal paths is selected based on stored information related to preceding frames”. The Office further submits that Wagner et al. teach a method for processing signals in a communication system (see abstract), the method comprising: determining a signal quality metric for each of a plurality of signal paths (see abstract lines 1 – 3), wherein one or more of said

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plurality of signal paths is selected based on stored information for preceding frames, the preceding frames received via each of the plurality of signal paths (see abstract and column 18, lines 3 – 21); assigning a threshold signal quality metric for the plurality of signal paths (see abstract and column 18, lines 3 – 21); and discarding a signal path from the plurality of signal paths , if the determined signal quality metric for the signal path does not satisfy the threshold signal quality metric (see abstract and column 18, lines 3 – 21). Further applicant argues, “*Wagner, at best, discloses selecting a signal source based on a single quality metric for a single previous source.*” However the Office respectfully disagrees. Wagner et al clearly teach “evaluating each of the plurality of signal sources (antennas) based upon reception of test data to provide a plurality of quality metrics; selecting a payload signal source based on the plurality of quality metrics” (see column 18, lines 6 – 10). Therefore Wagner et al teach all cited limitations. Therefore claim 1 stands rejected.

With respect claims 3, 5-7, 17, 19-23, 28, 32, 34, 36- 38, 40, 42, and 44—46, the Applicant makes same argument as the argument applied to claim 1. Therefore the same response applied to the argument with respect to claim 1 above is applied here.

With respect claims 2, 4, 16, 18, 33, 35, 39, 41, and 43, the Applicant makes same argument as the argument applied to claim 1. Therefore the same response applied to the argument with respect to claim 1 above is applied here.

With respect claims 23 and 29, the Applicant makes same argument as the argument applied to claim 1. Therefore the same response applied to the argument with respect to claim 1 above is applied here.

With respect claims 8, 10, 12-14, and 25, the Applicant makes same argument as the argument applied to claim 1. Therefore the same response applied to the argument with respect to claim 1 above is applied here.

With respect claims 9 and 11, the Applicant makes same argument as the argument applied to claim 1. Therefore the same response applied to the argument with respect to claim 1 above is applied here.

With respect claim 26, the Applicant makes same argument as the argument applied to claim 1. Therefore the same response applied to the argument with respect to claim 1 above is applied here.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAISON JOSEPH whose telephone number is (571)272-6041. The examiner can normally be reached on M-F 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/J. J./

Examiner, Art Unit 2611

/CHIEH M FAN/

Supervisory Patent Examiner, Art Unit 2611